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# New Planning for Ontario



Ontario

## Final Report Summary & Recommendations

John Sewell, Chair  
George Penfold, Commissioner  
Toby Vigod, Commissioner

June 1993









# New Planning for Ontario

# Final Report Summary & Recommendations

**T**his document is a summary version, with recommendations, of the Final Report of the Commission on Planning and Development Reform in Ontario.

The Commission appreciates the time, energy, and hard work that thousands of people across the province have put into submissions, presentations, and meetings. The recommendations are built on the ideas they shared with us.

Copies of this summary and of the full Final Report are available from the Commission until the end of July 1993. Contact:

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# A New Approach to Planning

The Commission on Planning and Development Reform in Ontario was appointed on June 6, 1991, by the Honourable Dave Cooke, then Minister of Municipal Affairs. John Sewell was appointed Chair of the Commission, and George Penfold and Toby Vigod were appointed Commissioners. The Honourable Ed Philip became the new Minister of Municipal Affairs in February 1993.

The Commission was given a broad mandate to recommend changes to the *Planning Act* and related policy that would restore confidence in the integrity of the planning process, protect public interests, better define roles and relationships, focus more closely on protecting the natural environment, and make the planning process more timely and efficient. The Commission was specifically directed to consult widely and submit its Final Report by July 1, 1993. This summary document contains background on the Commission and its work and a section outlining how its recommendations will streamline the planning process. Also included is a full set of the Commission's recommendations, including recommended provincial policy statements.

At the time the Commission was appointed, the integrity of the planning system was being called into question, largely because of revelations about the influence of some developers in several municipalities. Concerns about the negative impact of land-use decisions on the natural environment and about the ability of the planning system to protect the natural environment had increased steadily over the previous decade. As well, there was mounting criticism over red tape and delays in the system.

Although these concerns emerged during a development boom, at the time the Commissioners began work the economy had turned sluggish and the province had entered a period of economic recession. The problem of coping with development pressure was replaced by concerns about jobs and the future, worries that continue to be evident as this document is being written.

The Final Report is the culmination of almost two years of extensive, provincewide consultation and study. The Commission heard many voices and received many submissions that contributed to its recommendations.

## Strong Voices Across the Province

The need for change became very apparent as the Commission heard strong voices and opinions from all parts of the province.

Several themes emerged — support for more protection of the natural environment, concern about the economy, and general support for better, more local planning. Yet people in different parts of the province expressed different priorities.

It is important that these strong opinions be recognized. Not taking them into account could result in recommendations which miss the passion and sense of caring about individual communities that are so evident throughout the province. Recognizing these voices will help create a more resilient and practical planning system.



## Rural Areas

Many people told the Commission that rural Ontario is angry and disappointed. They said they thought rural Ontario was left out of decision-making, and was estranged from provincial government processes in Toronto. For them, the assets of rural Ontario were being held hostage to the whims of urbanites who want to use it either as a dumping place for their garbage, or as a retreat to the beauty of nature which has been destroyed in cities. Others saw the same influences as challenges that could be turned to economic advantage. Many expressed a fierce pride in rural landscape and wanted to be assured the natural heritage would be protected.

Some said the Commission's early proposal to restrict the installation of new septic systems (since amended) was yet another attempt to control rural development, while others were pleased that a long-standing problem was finally being addressed.

Some residents felt it was more important to develop a program to improve the economic health of rural Ontario than to reform the planning system.

## Agricultural Ontario

Those parts of rural Ontario with an agricultural base have problems of their own, centring on the viability of farming.

The tender-fruit farmers of the Niagara Peninsula made this point most forcefully, and the Commission heard the same story in such places as Chatham, London, Kingston, Peterborough, and Guelph. Why protect farmland, some argued, if the farmer can't make a living from it? Why are farmers asked to preserve farmland when it is the larger cities — particularly in the Greater Toronto Area — that have absorbed the best farmland in the past 40 years?

Others, however, argued strongly in a different direction. They urged effective protection for quality agricultural land now, to provide food security in the future.

## Urban Ontario

Residents in cities and their suburbs expressed a variety of views. Some saw intensification as a natural next step for cities; others felt it would bring undesirable changes. The role of cities in addressing social issues and providing affordable housing was emphasized by some. Concern was expressed about safety in cities, and the need to improve the urban environment was articulated. Many supported more protection for the natural environment in and around cities, while some wanted a freer hand for economic initiatives.

Very few complained about large new office and apartment developments, which were the source of much discontent five years ago. Some saw the current slowdown as a chance for cities to catch their breath and plan for what might happen when the economy turns around. The malaise in the development sector was very apparent to the Commission, and it won't be alleviated by improvements to the planning process. It requires a newly invigorated economy.

Some recognized that public funds are insufficient to continue funding low-density development, but more seemed reluctant to make the hard choices just yet. Some councillors and residential developers hoped for the speedy return of the strong demand for large suburban houses on large lots, and argued that opportunities for this kind of development should be kept open.



## Northern Ontario

The Commission admired the apparent resilience of Northern Ontario. Nothing seems easy in the North, but people there give the impression they can generally make their own way if given half a chance.

Northerners resent being controlled by decisions made in the South. The Commission heard numerous complaints about how this happens around planning issues, and many submissions urged an increase in decision-making for the North in the North.

The big issue looming in the background of many submissions was the cost of planning. Most northern communities are so small that even if they were to band together with their neighbours, many feel, there would not be sufficient financial resources to undertake the kind of planning that should be done. Some are concerned that provincial policy statements protecting natural resources might hamper economic development. Other Northerners, however, said that a healthy natural environment is the most significant resource for future jobs and economic opportunities.

## Cottage Country

One area of Ontario that expects continued growth is cottage country. There seems to be enough money in the system to allow more people to take up recreational boating and spawn increasing numbers of cottages. As well, more and more cottages are becoming year-round homes.

The fear here is how much more development the local ecosystem can bear. The impact of failing septic systems and the limited carrying capacity of lakes and rivers are of great concern. Cottagers worry about the intrusion of boats; boaters worry about unfair restrictions and a lack of political voice.

## A Common Complaint

In all parts of the province, people had complaints about the planning process. Almost all interests shared feelings of frustration and a sense that planning is an interminable process which produces unsatisfactory results. There were complaints about delay, red tape, and the time it takes to have an appeal heard. Some thought the process was difficult to gain access to and that everything was up for negotiation and nothing was certain — not even the official plan. Throughout the province, many thought the process did not adequately protect the natural environment.



## Recommended Reforms in Brief

The challenge for the Commission was to design a planning system that accommodates considerable diversity and is resilient enough, given a wide range of opinions, to reach good conclusions. The Commission believes there is a common ground on the changes needed. One agreed-upon requirement for a reformed planning system is a consistent policy approach from the province applied with a reasonable degree of flexibility. Another is a strengthened and more timely process, which involves the public in a meaningful way. A third is strong municipal planning and decision-making.

It is not within the Commission's mandate to propose strategies for broad economic questions. However, municipalities should have available to them better tools to deal with the concerns people expressed, even if responsibility for general economic issues rests elsewhere.

Thus, the Commission strongly encourages strategic planning. We recommend stronger decision-making structures and arrangements to permit municipalities to address broad planning issues. We make proposals to improve joint-planning and help municipalities share scarce planning resources and limited funds. We encourage more public involvement in planning decisions to ensure the best ideas in the community are available for the decision-makers to consider.

The Commission believes the basic components of the current planning system are generally sound. But like a machine that has been allowed to run too long without maintenance, the legislation and the planning process both need fixing, and in some cases parts need replacement. Some adaptations are needed to allow the system to respond to new and emerging concerns, which the existing system seems unable to address.

Ideas of what changes should be made have been tested over four rounds of consultation. Most recommendations are quite straightforward. They do not involve significant new expenditures or extensive new structures. They provide a reasonable agenda of reform, which can be put in place relatively quickly, without disruption or restructuring. The Commission is confident these recommendations have a wide base of support throughout the province.

The mandate given to the Commission, along with the Commission's recommendations responding to that mandate, is summarized as follows:

### 1. Protect public interests.

General recommendations:

- Planning decisions must be consistent with provincial policies that:
  - protect the natural environment and ecosystems;
  - promote community development and efficiently manage infrastructure;

- promote a variety of housing to meet housing needs;
- protect quality agricultural areas;
- conserve energy and water; and
- protect non-renewable resources.
- Provincial policy would also require that cultural and historical resources be respected and conserved; that urban areas encourage intensification; that rural municipalities define rural characteristics to be protected as development occurs; and that social needs be addressed in the planning process.

### 2. Better define roles and relationships.

General recommendations:

- The province should consult widely, write down policy, and give it formal status.
- The province should be responsible for policy formation, provincial planning, advice, information, and research.
- Municipalities should plan, and municipal plans must address broad and local concerns.
- The province should have approval authority for the plans and plan amendments of regions, counties, separated municipalities, cities in the North, and planning boards.



- Regions and counties with plans should have authority to approve lower-tier plans and plan amendments, and plans of subdivision.
- Local municipalities should be responsible for development control.
- In the North, planning boards should be expanded or established and those with plans should have the authority to approve plans of subdivision.
- Public notification should be given early in the process, and include on-site signage for site-specific applications, and a notification registry.
- The Ontario Municipal Board should ensure municipal and provincial policy is upheld, should call procedural meetings, and should mediate and resolve disputes.

### 3. Focus on protecting the natural environment.

General recommendations:

- Provincial policies would require that significant natural features be protected from any development. Development may proceed in other sensitive areas only if it is determined there are no adverse effects.
- Municipalities must assess the environmental impacts of options and alternatives when preparing plans.
- Municipalities must map or describe environmental resources, regularly monitor environmental (and other) indicators, and plan on a watershed basis.
- Municipalities should be able to control site alterations, including clearing of vegetation and placing or removal of fill.
- Private septic systems should be better regulated, including regular pump-outs and inspection.
- Municipal infrastructure should be subject to a Class Environmental Review process under the *Planning Act*.

### 4. Create a more timely and responsive planning process.

General recommendations:

- Provincial decisions should be made within six months.
- Ministries should define standards that applicants must meet, and enforcement should be delegated to capable municipalities.
- Provincial decision-making should be delegated to regional offices, and the actions of ministries coordinated.
- A three-month timeframe should be established for municipal decisions on rezoning applications and a six-month timeframe for other applications.
- The Ontario Municipal Board should call a procedural meeting of all parties within 30 days of receiving an appeal.

The Commission believes these changes will help restore confidence in the integrity of the planning system. One significant problem in the relationship between public and private interests has been the lack of clear provincial policy, which is addressed by the Commission's policy recommendations. Other actions affecting the relationship between public and private interests, such as the ongoing police investigation known as Project 80, conflict-of-interest legislation, and legislation requiring open meetings at the municipal level, are being taken by others. Accordingly, the Commission has not addressed these matters but has focused attention on the system of planning and how it might be improved.

Recommendations are also made on other matters, including: the involvement of First Nations, Aboriginal, and Métis communities in municipal planning; provincial planning; ministerial powers; provincial permits and licences; municipal control over the use of water bodies; septic systems and sewage treatment; and minor variances.

## The Commission's Approach

The Commission set out to seek and recommend a package of reforms that would be acceptable to the public and those involved in planning, that would have a realistic possibility of being implemented, and that would work within the variety of municipal and planning structures in the province.

The 10 million people who live in Ontario are found in a wide range of settings — in towns and on farms, in rural areas and remote Northern communities, in downtowns, and in suburbs. Where Ontarians live determines, to some extent, the nature of their interest in the planning process. But there are diverse views on the planning process within every community.

The municipal planning structure in Ontario is complicated and varied. There are 831 municipalities, 70 percent of which have populations of less than 5000. Southern Ontario is covered by a regional or a county structure — regions and counties constitute a second tier of municipal government — although 21 cities and towns are “separated” and outside this two-tiered structure. In Northern Ontario, half the 800,000 residents live in six cities, of which only Sudbury is in a regional structure. The other half live in small municipalities or in “unorganized areas” without a municipal structure. Some of these small municipalities and unorganized areas are served by planning boards. As well, there are more than 200 Aboriginal communities in Northern Ontario.

The Commission decided early on that our key task was to find common ground among the various players involved in planning. Rather than taking an abstract and distanced approach, we decided to go to planners, developers, citizen activists, environmentalists, farmers, municipal politicians and staff, provincial staff, and others across the province who work with the planning process.

We especially wanted to encourage the widest possible public participation — to involve as many people as possible. More than 40 public forums were held in different locations across the province. We also convened meetings of 15 different working groups, sponsored three dozen community meetings, and met regularly with many organizations closely involved in planning.

Our newsletter, *New Planning News*, presented proposals for comment, informed readers of our schedule and the status of our work, and provided information on specific issues. In all, eight issues of the newsletter were published in both English and French editions. The mailing list for the newsletter included more than 16,000 addresses, and on average a further 9000 copies of each issue were distributed at meetings, conferences, and other events attended by the Commissioners.

Since September 1991, the wider public was also kept informed of the Commission's progress through the Commission Chair's biweekly, 10-minute slot on CBC's “Radio Noon,” hosted by Christopher Thomas. Since September 1992, a similar arrangement has been in place with Benita Hart on CBC-Sudbury's “Radio Noon,” which reaches communities in Northeastern Ontario.



Finally, the Commission's activities have been extensively covered elsewhere in the media. More than 500 articles about the Commission's proposals and local reactions to them were carried in daily and weekly newspapers in Ontario. As well, many local radio and television stations covered the forums and local meetings.

To begin our work, we needed to articulate a set of goals and policies for planning in Ontario which would set a direction for planning decisions. Two techniques for arriving at draft policies were rejected. Going to the public with a blank piece of paper and saying "what do you think goals for a new planning system should be?" might appear useful, but would probably produce little more than stock responses. Another approach would have been to have the three of us as Commissioners write down and circulate our personal ideas for discussion, but that seemed much too limited. Instead, we decided to use working groups to develop a first set of draft goals and policies.

In the fall of 1991, six working groups were formed to look at planning policies for different areas of the province: urban, urban fringe, rural and small centres, cottage country, Northeastern Ontario, and Northwestern Ontario. Each group consisted of about 20 members who were well-respected advocates of the interests they were representing; were interested in seeing what kind of common ground existed; and were able to attend three or four two-hour meetings every second week. Participation was independent of any organization individuals might represent. Minutes of meetings were circulated to assist in the discussions.

The ideas suggested by the working groups were published in the November/December 1991 and December 1991 issues of our newsletter, *New Planning News*. Comments made in January 1992 at public forums, along with written submissions, led to reconsideration and a second draft of goals and policies, published in the April 1992 newsletter. This second draft was subject to two further rounds of forums, in the spring and fall of 1992, and additional written submissions. It evolved into the proposals found in our Draft Report.

A similar working group approach was used to develop ideas about reforming the planning process, with groups set up in Kingston, London, Sudbury, and Toronto. Two more specialized groups were formed to provide input and criticism: an inter-ministerial group, made up of representatives from the key ministries involved in planning at the provincial level; and a chairs group, made up of representatives of approximately 20 major organizations in the province with a stated interest in the work of the Commission. Other working groups were created to look at particular problems such as development control issues, relationships between the *Environmental Assessment Act* and the *Planning Act*, and social policy statements.

A regular schedule of meetings was maintained with provincial ministries and agencies, as well as with organizations representing many interest groups. Groups in this category included organizations such as the Ontario Professional Planners Institute, the Association of Municipalities of Ontario, the Land Use Caucus of the Ontario Environmental Network, the Ontario Home Builders' Association, and the Urban Development Institute. These meetings enabled us to keep informed of concerns, allowed people to learn of our ongoing work, and ensured that we remained realistic about achieving a reformed, and workable, planning system.

Since the comments received by the Commission were both wide-ranging and precise, the Commission decided to prepare a Draft Report and make it as detailed as possible. Our aim was to permit readers to respond precisely rather than have them struggle with generalities. The Draft Report was released in December 1992, and approximately 30,000 copies were circulated.

The Commission has been impressed by the breadth and depth of response to the Draft Report. The round of public forums after its release, held in 18 centres during February and March 1993, was very well attended. Some 1200 submissions commenting on the draft were received. Many submissions were lengthy and showed considerable attention to detail: those writing submissions devoted a great deal of time and care to this task. Many municipalities went through the Draft Report recommendation by recommendation, commenting on all or a great number of our proposals. Responses came from all kinds of interests throughout the province, and the Commission was gratified at the number of submissions that commended the process for stimulating thinking among friends, among colleagues, and among municipal council members.

After the Draft Report was released, the Commission continued to hold community meetings, attend conferences, and meet with major organizations to get feedback and comment.

In sum, the Commission held four rounds of public forums. Afternoon and evening sessions were held in each centre, and local councillors of surrounding municipalities were frequently asked to attend a special advance meeting for general discussion and questions. More than 2200 people attended these forums, and more than 700 presentations were made.

In addition, the Commission hosted or attended less formal public meetings and discussions in 38 communities, with a total attendance of about 4000 people. As Commissioners, we attended a further 80 conferences, workshops, or other gatherings to deliver speeches or participate in discussions. In total we have, to date, spoken directly with some 23,000 people across the province.

By the end of April 1993, the Commission had received a total of 2083 formal written submissions. These submissions were augmented by a further 600 letters from people commenting on, or seeking more information about, the work of the Commission.

The ideas presented to the Commission by all those who participated in meetings and forums or who wrote submissions have been the basis for formulating recommendations. The collaborative and open process has meant many different ideas have been presented for consideration, and the process has permitted constructive reaction and interpretation so that weak ideas were rejected and good ideas strengthened. An open process has substantial benefits: ideas can be tested easily, and those not well-thought-out can be set aside without fear of embarrassment. The sense of innovation surrounding this process has made the travelling and the long hours both enjoyable and intellectually rewarding. We thank the many people who invested so much time and energy and participated so fully in the Commission's work. The strength of the final recommendations is a result of their work, energy, and commitment.



# Streamlining

Many people who made submissions were concerned that the Commission's intention of creating a more timely and efficient planning system would not be realized. They feared the result of requiring better planning would be further delay and more gridlock in decision-making, with ensuing negative economic consequences.

The Commission has been firm in its desire to create a more timely process, and has made recommendations specifically addressing the timing issues.

There are three specific aspects to the planning approval process: municipal decisions; provincial decisions; and appeals to the Ontario Municipal Board. Timeframes are recommended for each, and in the case of municipal and provincial decisions, the recommendations are that timeframes be set in legislation. The Commission has also addressed larger, more general issues in an effort to streamline the process.

## General Issues

Recommendations in three major areas will help resolve problems that now cause delay:

- Provincial policies will set a general framework and direction for planning decisions, so there will be a clear basis for determining what is "good planning." (See Recommendations 3 and 9.)
- Legislative requirements will spell out issues to be addressed in the municipal plan, so municipalities will plan in advance rather than decide on larger issues on a case-by-case basis as applications are filed. (See Recommendations 32 and 35.)
- Municipalities will be given a stronger and clearer role in the planning process, with upper-tier municipalities given greater ability to make decisions on such matters as plans of subdivision. (See Recommendation 59.)

Currently, these three areas are not addressed reasonably in the planning system. Without a comprehensive set of provincial policy statements, it is difficult for developers, residents, and provincial and municipal staff to know what the expectations are. Much time is now spent (particularly in public processes) attempting to agree on what is "good planning." If analysis of basic information on watershed studies, mapping of natural features and resources, and infrastructure planning is done at the plan stage, the consideration of development applications can proceed in a more expeditious fashion.

## Municipalities

Three major changes will create timeliness of decision-making at the municipal level:

- If municipal decisions on applications for plan amendments and plans of subdivision are not made within six months of the receipt of a completed application, appeal may be made by the applicant to the Ontario Municipal Board for independent determination. (See Recommendations 49(b) and 57(d).)
- If it is clear at an early stage that the municipality is not dealing with an application for a plan amendment or plan of subdivision in a timely fashion, application may be made to the Ontario Municipal Board to shorten the six-month period. (See Recommendations 49(c) and 57(d).)
- If municipal decisions on applications for consents, rezonings, and development permits are not made within 90 days, appeal may be made by the applicant to the Ontario Municipal Board for independent determination. (See Recommendations 57(d), 61, and 67.)

No change is suggested in the 30-day period set in current legislation for considering applications for site plans.

Establishing reasonable periods for applications to be considered by the municipality or planning board is a good first step in ensuring timeliness. Some councils now take considerably longer, but these timeframes should be generally sufficient to permit the public, staff, and councillors to review matters and make a fair determination on most cases. The currently legislated 30-day timeframe for applications for plan amendments and rezonings is totally unworkable, since a council is unable to obtain a completed application, undertake appropriate studies and review, and permit the most rudimentary public consultation in such a short period. No timeframe is set out in current legislation for consents. The Commission recommends one.

Where major plan amendment applications challenge the very basis of the municipal plan — by asking for densities far beyond those contemplated in the plan, or for development on land not included within the settlement envelope — the Commission is recommending that municipalities may decide either to consider such applications as premature and appropriate only at the plan review stage, or to reject such applications without undertaking substantial studies. Municipal plans should have some certainty, and applicants should not be permitted to force municipalities to rethink basic plan ideas at their whim.

## The Province

Three major changes that will create timeliness in the provincial decisions are:

- If provincial decisions are not made within six months of receipt of notice of the adoption of a plan or a plan amendment by a municipality or of a completed application, appeal may be made by the applicant or municipality to the Ontario Municipal Board for independent determination. (See Recommendation 22.)
- Administrative changes are suggested that decentralize decision-making to staff at a regional level, and that ensure coordination among ministries. (See Recommendations 19, 20, and 21.)
- Many provincial decisions are recommended to be delegated to regions, counties, separated municipalities, cities in the North, planning boards, and planning authorities. (See Recommendations 41 and 59.)

Many submissions complained that decisions languish at the provincial level for a long time — a year or two, and in some cases even longer — before the province deals with them. The opportunity to appeal after six months will make a significant change, as will increased delegations to the municipal level. The six-month timeframe also applies to regions and counties that have been delegated approval authority for lower-tier plans and plan amendments.



## The Ontario Municipal Board

Three major changes are recommended so that more timely decisions can be made on appeals:

- The Ontario Municipal Board should hold a procedural meeting of all parties within 30 days of receiving an appeal, and this process should also be used to address the backlog. (See Recommendations 82 and 88.)
- The Board should have the authority, in all cases where at the procedural meeting it seems there are insufficient grounds for a full hearing, to order a summary hearing. (See Recommendation 83.)
- The Board should help with mediation, require parties to exchange information, and narrow issues before any hearing is held. (See Recommendations 82 and 89.)

Appeals to the Ontario Municipal Board can now take 12 to 18 months before a hearing is held, and then another few months before a decision is released. While procedural meetings will not resolve all disputes, Board powers to call a summary hearing or draw the parties together will result in much more timely resolutions and shorter hearings. Further, a comprehensive set of provincial policy statements will give clearer direction to the Board in resolving disputes and making decisions.





# Recommendations

*The recommendations are grouped under a series of subject headings which are the same as the chapter headings in the full version of the Final Report*

## The Purposes of Planning

The Commission recommends that:

1. The *Planning Act* be amended to state that the purposes of the Act are to guide land-use change in a manner that:
  - (a) fosters economic, environmental, cultural, physical, and social well-being; and
  - (b) protects and conserves the natural environment and conserves and manages natural resources for the benefit of present and future generations; and
  - (c) provides for planning processes that are fair, open, accessible, accountable, timely, and efficient; and
  - (d) encourages cooperation and coordination among differing interests.
2. Section 2 of the *Planning Act* be amended to provide that, in exercising powers under the Act, the council of every municipality, every local board or authority, every minister of the Crown and every ministry, board, commission or agency of the government, including the Ontario Municipal Board and Ontario Hydro, shall have regard to, among other things, such matters of provincial interest as:
  - (a) the protection of ecosystems, including natural features and functions;
  - (b) the protection of the agricultural resource base of the province;
  - (c) the conservation and management of natural resources and the mineral resource base;
  - (d) the protection and conservation of heritage features of significant architectural, cultural, historical, archaeological or scientific interest;
  - (e) the supply, efficient use and conservation of energy and water;
  - (f) the adequate provision and efficient use of communication, transportation, sewer, water, and waste-management services;
  - (g) the minimization of waste;
  - (h) the orderly development of safe and healthy communities;
  - (i) the adequate provision and equitable distribution of educational, health, social and recreational facilities and programs;
  - (j) the adequate provision of a wide variety of housing;
  - (k) the adequate provision and distribution of employment opportunities;
  - (l) the protection of the financial and economic well-being of the province and its municipalities;
  - (m) the coordination of planning activities of public bodies and private interests;
  - (n) the effective and efficient resolution of planning conflicts.

## Provincial Policy Statements

The Commission recommends that:

3. To provide clarity and consistency in the definition of provincial interests in planning:
  - (a) The province adopt a comprehensive set of policy statements under section 3 of the *Planning Act*.
  - (b) This comprehensive set of policy statements replace the four existing policies under section 3, namely the Mineral Aggregate Resources Policy, the Flood Plain Planning Policy, the Land Use Planning for Housing Policy, and the Wetlands Policy.
  - (c) This comprehensive set of policy statements replace the Food Land Guidelines and the Growth and Settlement Policy Guidelines.
  - (d) After the comprehensive set of policy statements has been adopted, any new implementation guidelines be developed with public input.
  - (e) All existing guidelines be made consistent with the comprehensive set of provincial policy statements and remain advisory only.
4. The *Planning Act* be amended to provide that in exercising any authority that affects any planning matter, the council of every municipality, every local board or authority, every minister of the Crown and every ministry, board, commission or agency of the government, including the Ontario Municipal Board and Ontario Hydro, *shall be consistent with* policies adopted under the Act.
5. The *Planning Act* be amended to require that the proposed Minister of Municipal Affairs and Planning give consideration every five years to whether there is need for revision of provincial policy statements.
6. The province engage in negotiations with the federal government to allow individuals to claim the full value of land or of interests in land donated to approved non-profit corporations or trusts as an income tax credit, and to ensure that such gifts can be made without triggering capital gains tax.
7. The Ministry of Municipal Affairs and Planning undertake research on the cost and benefit of different development forms and settlement patterns, and provide municipalities with advice on methods of assessing the fiscal impact of development options and proposals.
8. To address outstanding issues related to mineral aggregate resource operations, the Ministry of Natural Resources, in consultation with municipalities, the industry, and others:
  - (a) Determine the sequence for extraction of primary aggregate resources.
  - (b) Develop strategies for dealing with contravention of the *Aggregate Resources Act* and the enforcement of aggregate licence conditions and wayside pit permits.
  - (c) Review the amount of fees assessed against aggregate operations and the proportion allocated to municipalities.



9. The following comprehensive set of policy statements be adopted by the province, after further consultation, under section 3 of the *Planning Act*.

#### **A. Natural Heritage and Ecosystem Protection and Restoration Policies**

**Goal:** To protect the quality and integrity of ecosystems, including air, water, land, and biota; and, where quality and integrity have been diminished, to restore or remediate to healthy conditions.

1. Development may be permitted only if the quantity and quality of water in ground- and surface-water systems are not impaired in the short and long term.
2. Development shall not be permitted in significant ravines, river, stream, and natural corridors, and in the habitat of endangered, threatened and vulnerable species. Development shall not be permitted in significant woodlots south of the northern boundaries of the District Municipality of Muskoka, and the counties of Haliburton, Hastings, Lennox and Addington, Frontenac, and Lanark. Development shall not be permitted on adjacent and related lands if it adversely affects the integrity of the natural features or ecological functions of the areas included in this statement. New infrastructure shall be located outside of these significant features unless it is demonstrated there is no reasonable alternative.
3. In the Great Lakes – St. Lawrence Region, development shall not be permitted within provincially significant wetlands. On adjacent lands, development may be permitted only if it does not result in any of the following: loss of wetland functions; subsequent demand for future development that will have an adverse effect on existing wetland functions; conflict with existing site-specific wetland management practices; and loss of contiguous wetland area. This shall be demonstrated by an environmental impact study (EIS) prepared in accordance with established procedures and carried out by a proponent addressing all these issues. On adjacent lands, established agricultural activities are permitted without an EIS.

In the Boreal Region, development may be permitted in provincially significant wetlands and adjacent lands only if it does not result in any of the following: loss of wetland functions; subsequent demand for future development that will have an adverse effect on existing wetland functions; and conflict with existing site-specific wetland management practices. This shall be demonstrated by an environmental impact study (EIS) prepared in accordance with established procedures, and carried out by a proponent, addressing all these issues. On adjacent lands, established agricultural activities are permitted without an EIS.

New infrastructure shall be located outside provincially significant wetlands unless it is demonstrated there is no reasonable alternative. Approval authorities shall consider alternative methods and measures for minimizing impacts on wetland functions when reviewing proposals to construct transportation, communications, sanitation, and other such infrastructure in provincially significant wetlands.

4. Except for areas covered in policies A2 and A3, areas of natural and scientific interest, ground-water recharge areas, significant wildlife habitat, and shorelines will be classified into areas where either (a) no development is permitted or (b) development may be permitted only if it does not adversely affect the features and functions for which the area is identified. In the Great Lakes – St. Lawrence Region, locally significant wetlands will be classified into areas where either (a) no development is permitted or (b) development may be permitted only if it does not adversely affect these wetland functions.
5. Except for areas covered in policies A2 and A3, development on lands adjacent to lakes, rivers, and streams may be permitted only if it does not impair water quality or adversely affect shoreline vegetation, bank stability, and wildlife habitat.
6. Development may be permitted only if there are no adverse effects on, or is no net loss of, fish habitat within the same watercourse.
7. Development shall not be permitted in the floodway of a defined storm, or in the flood plain where the floodway is not defined, except with the consent of, or in special policy areas approved by, the Ministry of Natural Resources or a conservation authority. Where development is permitted in the flood fringe, structures may be permitted only if protected by floodproofing actions appropriate to the purpose for which the structure is used, including the ingress and egress of vehicles and pedestrians during times of flooding.
8. Development on lands adjacent to the Great Lakes and their connecting channels and the St. Lawrence River shorelines shall not be permitted within areas susceptible to 100-year flood levels and 100-year erosion limits unless mitigative measures have been taken to address flood, erosion, and related hazards.
9. Development may be permitted on hazardous sites only if it does not present a risk to public safety, public health, and property.
10. The need to remediate contaminated air, water, and soil, their systems, and contaminated sites will be determined, and an appropriate plan for site remediation will be approved and implemented, before above-grade building permits are issued.
11. In decisions regarding development, every opportunity will be taken to: improve the quality of air, land, water, and biota; maintain and enhance biodiversity compatible with indigenous natural systems; and protect, restore, and establish natural links and corridors.



## B. Community Development and Infrastructure Policies

**Goal:** To manage growth and change to foster communities that are socially, economically, environmentally, and culturally healthy, and that make efficient use of land, new and existing infrastructure, and public services and facilities.

1. Social and human needs will be addressed by an adequate distribution of facilities and services available to residents diverse in ability, age, income, and culture.
2. Public streets and places used by the public will be planned to meet the needs of pedestrians and be designed to be safe, vibrant, and accessible to all, including the disabled.
3. The well-being of downtowns and main streets will be fostered.
4. To encourage economic opportunities that enhance job possibilities and broaden the economic base of communities, a supply of zoned land will be maintained sufficient to meet anticipated needs.
5. Communities will be planned to minimize the consumption of land, promote the efficient use of infrastructure and public service facilities, and, where transit systems exist or may be introduced in the future, promote the use of public transit.
6. The efficiency of transportation systems shall be maximized by coordinating transportation plans with those of other relevant jurisdictions, integrating transportation modes, and making optimal use of existing transportation systems before proceeding with system expansion.
7. In existing built-up areas served by public sewage and water systems, intensification and mixed uses will be encouraged by appropriate land-use designations and zoning.
8. Extensions to built-up areas served by public sewage and water systems may be permitted only if the following conditions are met:
  - (a) new development areas are logical extensions of the existing built-up areas, and will be served by public sewage and water systems; and
  - (b) a strategy for the development, staging, and financing of the infrastructure for the extension is adopted; and
  - (c) opportunities for the efficient use of land, infrastructure, and public service facilities through intensification and mixed uses in existing built-up areas are provided; and
  - (d) the extension will have a compact form and a mix of uses and densities that efficiently use land, infrastructure, and public service facilities; and
  - (e) if the extension is to include quality agricultural land, it is demonstrated there is no reasonable alternative to accommodating the growth anticipated.
9. Extensions to built-up areas not served by public sewage may be permitted only if the following conditions are met:
  - (a) new development areas are logical extensions of the existing built-up areas; and
  - (b) the long-term adequacy of private on-site or public or communal systems of water supply and sewage treatment is demonstrated; and
  - (c) a strategy for the development, staging, and financing of any needed infrastructure and public service facilities for the extension is adopted; and
  - (d) the extension will have a compact form and densities and uses appropriate to the water and sewage systems proposed; and
  - (e) if the extension is to include quality agricultural land, it is demonstrated there is no reasonable alternative to accommodating the growth anticipated.

10. In recreational and rural areas other than quality agricultural areas, development that is not an extension of the built-up areas of communities may be permitted only if the following conditions are met:
  - (a) rural and recreational characteristics are defined and policies to protect those characteristics are set out in the municipal plan; and
  - (b) the cumulative impacts of development on rural and recreational characteristics and on natural features and functions are assessed and are acceptable; and
  - (c) the long-term adequacy of private on-site or public or private communal systems of water supply and sewage treatment is demonstrated; and
  - (d) the long-term public costs of reasonably expected infrastructure and public services and public service facilities are assessed and are acceptable.
11. Reasonable public access to public land and water bodies will be maintained or provided.
12. Policies and decisions regarding infrastructure and development will respect and conserve significant landscapes, vistas, ridge-lines, and areas of natural beauty.
13. Policies and decisions regarding infrastructure and development will respect and conserve significant cultural and historical patterns, built heritage, and cultural resources.
14. On lands containing significant archaeological heritage, development shall not be permitted where, by its nature, the resource must be preserved on site to ensure its heritage integrity. In other cases, development may be permitted if the site is studied and significant archaeological heritage is catalogued, analysed, and removed by licensed archaeologists prior to development.
15. The continuous linear characteristics of significant transportation and infrastructure corridors and rights-of-way, including abandoned railway corridors, will be protected.
16. New permanent town sites shall not be permitted in areas without municipal organization, and development in areas without municipal organization will generally be restricted. New permanent town sites shall not be permitted for the purposes of resource extraction.
17. Development will be planned to minimize the impact of noise, odour, and other contaminants generated by major facilities such as airports, transportation corridors, sewage-treatment facilities, waste sites, industries, and aggregate activities, on sensitive uses such as residences, hospitals, and schools.



### C. Housing Policies

**Goal:** To provide opportunities in each municipality for the creation of housing that is affordable, accessible, adequate, and appropriate to the full income and age range of present and expected future households.

1. The opportunity for a full range of housing types to accommodate households diverse in ability, age, and income will be provided in all communities served by public sewage and water systems.
2. The area used to determine housing needs in relation to number of units and affordability is the same as the geographical boundary of the upper-tier municipality, separated municipality, city in the North, planning board, or planning authority. Where the urban area extends over those boundaries, then the area used will incorporate the larger geographical boundary.
3. (a) Opportunities will be provided so that at least 30 percent of new units created through residential intensification and development will be affordable to households in the lowest 60th percentile of household income distribution in the area.  
(b) In large-scale housing development projects, such opportunities will be provided.  
(c) Innovative development and redevelopment, small-scale intensification, residential conversion, and government programs will be used, where possible, to create opportunities for half of the housing provided through Policy C3(a) to be affordable to households in the lowest 30th percentile of household income distribution.
4. Where land owned by the provincial government is declared surplus and development for housing is proposed, the province will create the opportunity for the development of affordable housing. Small sites will be dedicated to not-for-profit housing; large sites will serve a broader income range.

5. A sufficient supply of land designated for residential redevelopment or development will be maintained to allow for the provision of a full range of housing to meet present and future housing needs. Municipalities served by public sewage and water systems will maintain at least a three-year supply of zoned land and a ten-year supply of land designated for residential redevelopment or development.

### D. Agricultural Land Policies

**Goal:** To protect quality agricultural areas for long-term agricultural use.

1. Quality agricultural areas will be protected for agricultural use, except as noted herein. Other agricultural areas may also be protected.
2. Extensions of communities that include quality agricultural lands may be permitted if the conditions outlined in policies B8 and B9 are met.
3. Infrastructure and public service facilities shall be located outside quality agricultural areas unless it is demonstrated there is no reasonable alternative.
4. Lot creation in quality agricultural areas may be permitted only for primary agricultural uses, infrastructure, public service facilities, or residences surplus to farming operations as a result of farm consolidation.
5. Separation distances in agricultural areas between new development and existing uses will be adequate to ensure no adverse effects from odour, dust, noise, and light generated by primary agricultural uses.

## E. Conservation Policies

**Goal:** To pursue energy conservation, water conservation, and the reduction, re-use, and recycling of waste.

1. Patterns of land use and development will be planned and modified to best promote efficiency of energy and water use and reduce per capita consumption.
2. Water and energy conservation and waste minimization measures will be incorporated into the siting and design of landscaping, infrastructure, and buildings.
3. Patterns of land use and development will be planned and modified to encourage the most efficient modes of transportation and to reduce the need for private automobile use in daily life.
4. Transportation systems in urban areas will be designed to give priority to energy-efficient low-polluting travel, including priority to walking, bicycling, and public transit, where appropriate.
5. The built environment and its embodied energy and resources will be conserved, where possible, through re-use, recycling, and renovation.

## F. Non-renewable Resources Policies

**Goal:** To protect non-renewable resource operations, significant deposits of non-renewable resources (including mineral aggregates, minerals, and petroleum resources), and areas of significant non-renewable resource potential for resource use.

1. Existing non-renewable resource operations, significant deposits of non-renewable resources, and areas of significant non-renewable resource potential will be protected from incompatible uses.
2. In areas of significant non-renewable resource potential, uses that do not preclude future access to and development of these potential resources may be permitted.

3. Development on lands adjacent to existing operations and areas of significant known deposits of non-renewable resources will be permitted, provided the development does not preclude continuation of the existing operations, does not preclude development of the remaining resource, and addresses issues of potential public health and safety.
4. Development may be permitted in areas of significant known deposits of non-renewable resources where extraction is not feasible; or where existing or proposed uses serve a greater long-term interest of the general public than does access or extraction; or where it would not significantly preclude or hinder future extraction.
5. Rehabilitation of non-renewable resource lands will be required after extraction. In areas of quality agricultural land, rehabilitation will be carried out to achieve substantially the same land area and soil capability for agriculture as existed prior to extraction, except where high-water conditions make it impossible and the operation has been issued approval to extract below the water table.

## G. Implementation Policies

The following principles shall be used to implement provincial policies and make them effective:

1. Policy takes effect after Cabinet approval and on publication in the *Ontario Gazette*, and applies to all planning applications under the *Planning Act*.
2. Policy statements shall be implemented by municipalities through municipal plans, plans of subdivision, consents, zoning by-laws, minor variances, and other planning tools, and by other planning jurisdictions through their decisions.
3. Policy applies whether or not municipal plans have been amended to reflect such policy.



4. New policies apply to applications made but not finally approved when the policy takes effect. In applying new policies to such applications, the applicant and all planning jurisdictions must make their best efforts to achieve the policy to the greatest extent possible. Decisions of planning jurisdictions on such applications must be tempered by fairness, including a consideration of: planning and front-end agreements, issues considered and decisions and formal agreements already made with municipalities and other planning jurisdictions, and conformity of the application to current municipal plans and consistency with provincial policy.
5. The Ministry of Municipal Affairs and Planning, together with other ministries, and in consultation with the public, may prepare guidelines to assist planning jurisdictions in implementing policy statements. Such guidelines will be advisory only and shall not derogate from policy.
6. Ministries will provide available information to planning jurisdictions on matters of provincial significance outlined in policy statements, and will assist planning jurisdictions in mapping and developing their policies.
7. Conflicts between policies will be resolved by the clear meaning of words. For example, if one policy prohibits development in provincially significant wetlands and other policies encourage aggregate extraction or affordable housing, the prohibition should rule out both extraction and housing in that wetland. Where conflicts still remain, those conflicts will be resolved in municipal plans as municipalities make best efforts to make decisions consistent with provincial policies.
8. Municipal plans will include maps or other descriptions of areas referred to in policy statements.
9. An environmental impact study (EIS), as outlined in legislation, will be required for development proposals in the following areas:
  - lands adjacent to a significant ravine, river, stream, or natural corridor, or to the habitat of endangered, threatened, and vulnerable species, or to provincially significant wetlands in the Great Lakes – St. Lawrence Region;
  - lands adjacent to significant woodlots defined in Policy A2;
  - provincially significant wetlands and adjacent land in the Boreal Region;
  - those parts of areas of natural and scientific interest, groundwater recharge areas, significant wildlife habitat, and shorelines where development is not prohibited;
  - land adjacent to lakes, rivers, and streams; and
  - where development is proposed which may impact fish habitat.

An EIS shall include:

  - (a) a description of the existing natural environment that will be affected or that might reasonably be expected to be affected, directly or indirectly;
  - (b) the environmental effects that might reasonably be expected to occur;
  - (c) alternative methods and measures for mitigation of potential environmental effects of the proposed development; and
  - (d) a monitoring plan to measure the potential effects on the environment.

An environmental impact study will provide a basis for assessing adverse effects.

## Definitions

**Adjacent land** Land contiguous to an identified natural feature or function, or resource. For the purpose of Policy A3 concerning wetlands, adjacent lands means (a) those lands within 120 metres of an individual wetland area, and (b) all lands connecting individual wetland areas within a wetland complex.

**Affordable** Annual cost of housing, including mortgage, principal, and interest payments as amortized over 25 years with a 25 percent down payment, or gross rent, that does not exceed 30 percent of gross annual household income.

**Agricultural activity** Ploughing, seeding, harvesting, grazing, or animal husbandry, or buildings and structures associated with these farming activities. It includes these activities on areas lying fallow as part of a conventional rotation cycle.

**Agricultural use** Primary agricultural uses are: (1) The growing of crops or raising of livestock, including poultry and fish. (2) Farm-related commercial and farm-related industrial uses that are directly related to the farm operation and are required to be in close proximity to farm operations. Secondary agricultural uses are secondary to the farm operation, such as home occupations, home industries, and uses that produce value-added agricultural products from the farm operation. Agricultural drains are primary and secondary agricultural uses.

**Archaeological heritage** The remains of any building, structure, activity, place, or cultural feature or object which, because of the passage of time, is on or below the surface of land or water, and is of significance to the understanding of the history of a people or place.

**Areas of natural and scientific interest** Areas of land or water, as identified by the Ministry of Natural Resources, representing distinctive elements of Ontario's geological, ecological, or species diversity and including natural landscapes or features of value for natural heritage protection, scientific study, gene pools, and education.

**Biodiversity** The variety of life in all forms, levels, and combinations. It includes ecosystem diversity, species diversity, and genetic diversity.

**Biota** All plant and animal life.

**Boreal Region** The part of Ontario defined as the Boreal Region in figures 1 and 3 of the *Wetlands Policy Statement*. (For information purposes, the region is an area north of a line running roughly between Sault Ste. Marie and Temagami.)

**Built heritage** A building, structure, monument, or installation (or a group of them), or remains, associated with architectural, cultural, social, political, economic, or military history.

**Built-up area** The area where development is concentrated and contiguous with the developed portions of hamlets, villages, towns, and cities.

**Contaminated site** Property or lands that, for reasons of public health and safety, are unsafe for development as a result of past human activities, particularly those activities that have left a chemical or radioactive residue. Such sites include some industrial lands, electrical facilities, and some abandoned non-renewable resource operations.

**Cultural resource** May include archaeological or built heritage resources and structural remains of historical and contextual value, as well as human-made rural, village, and urban districts, or landscapes and tree lines of historic and scenic interest.

**Cumulative impact** The combined effects or potential effects of one or more development activities in a specified area over a particular time period. They may occur simultaneously, sequentially, or in an interactive manner.

**Defined Storm** The Hurricane Hazel storm (1954) or the Timmins storm (1961) or the 100-year storm, whichever is greatest, in the planning area, or other standard approved by the conservation authority or Ministry of Natural Resources.

**Development** (1) The construction, erection, or placing of a building or structure. (2) The making of a significant addition or alteration to a building or structure. (3) A significant change in use or in intensity of use of any building, structure, or premises. (4) Activities such as site-grading, excavation, removal of topsoil or peat, or the placing or dumping of fill. (5) Drainage works. The maintenance of existing municipal and agricultural drains is not "development" for the purpose of these policies.

**Ecosystem** Systems of plants, animals, and micro-organisms, together with the non-living components of their environment and related ecological processes.

**Endangered species** Any indigenous species of fauna or flora that, on the basis of the best available scientific evidence, is indicated to be threatened with immediate extinction throughout all or a significant portion of its Ontario range. Endangered species are identified in Regulations under the *Endangered Species Act*.

**Farm consolidation** The joining together of two farm parcels that are abutting.

**Fish habitat** The spawning grounds and nursery, food supply, and migration areas upon which fish rely to live.

**Flood fringe** The outer portion of the flood plain between the floodway and the limit of flooding expected from the defined storm.

**Flood plain** The area of land adjacent to a watercourse that may be subject to flooding during the defined storm. It includes the floodway and the flood fringe.

**Floodproofing** A combination of structural changes or adjustments incorporated into the basic design or construction of buildings, structures, or properties subject to flooding so as to reduce or eliminate flood damages.

**Floodway** The channel of a watercourse and the inner portion of the flood plain, where flood depths and velocities are generally higher than in the flood fringe. It is the area required for the safe conveyance and discharge of flood flow resulting from a storm less intense than the defined storm, or where water depths and velocities are such that they pose a potential threat to life or property on or near the flood plain.



**Great Lakes – St. Lawrence Region** The area of Ontario defined as the Great Lakes – St. Lawrence Region in figures 1 and 3 of the *Wetlands Policy Statement*. (For information purposes, the region is south of a line running roughly between Sault Ste. Marie and Temagami.)

**Groundwater** (1) Water occurring below the soil surface that is held in the soil itself. (2) Subsurface water, or water stored in the pores, cracks, and crevices in the ground below the water table. (3) Water occurring in the zone of saturation below the earth's surface.

**Groundwater recharge area** An area from which there is significant addition of water to the groundwater system.

**Hazardous site** Property or lands that, for reasons of public health, safety, or potential property damage, are unsafe for development as a result of naturally occurring or human-made perils. They may include unstable lands or areas subject to change as a result of their previous use as mining sites, sites prone to erosion, slopes and banks, unstable soils such as some organic and clay soils, areas of unstable bedrock, orphaned wells, capped wells, and underground caverns.

**Infrastructure** Physical structures that form the foundation for development. Infrastructure includes public sewage and water systems, storm-water disposal systems, waste management facilities, electric power, communications and transportation corridors and facilities, and oil and gas pipelines.

**Intensification** The development of a property or site at a higher density than previously existed. It includes (1) redevelopment, or development within existing communities; (2) infill development, or development on vacant lots or underdeveloped lots within a built-up area; (3) conversion, or the change of use of an existing structure or land use; (4) creation of apartments or other accommodation in houses.

**Mineral aggregate** Sand, gravel, shale, limestone, dolostone, sandstone, and other mineral materials suitable for construction, industrial, manufacturing, and maintenance purposes, but excluding metallic minerals, fossil fuels, and non-aggregate industrial minerals such as asbestos, gypsum, nepheline syenite, peat, and rock salt.

#### Minerals:

**Industrial minerals** are generally synonymous with non-metallic minerals and include any mineral, rock, or other naturally occurring substance of present or potential economic value, exclusive of metallic ores, mineral aggregates, and mineral fuels.

**Metallic minerals** have a high specific gravity and a metallic lustre from which metals (such as copper, nickel, or gold) are derived.

**Non-metallic minerals** lack the common properties of metallic minerals, such as metallic lustre or high specific gravity, and are generally of value for intrinsic properties of the mineral itself and not as a source of metal. They are generally synonymous with non-aggregate industrial minerals such as asbestos, gypsum, nepheline syenite, peat, and rock salt.

**Mixed use** A variety of uses in a building or community in close proximity, possibly including housing, recreational, and commercial, institutional, industrial, or other employment uses.

**Non-renewable resource operations** (1) Legally existing pits and quarries, oil, gas, and brine wells, and mining operations, including associated production and processing facilities. (2) Areas of existing mining land dispositions (mining leases and patents). (3) Past-producing mines, pits, and quarries with remaining mineral development potential.

**Petroleum resources** Included are oil and gas deposits and underground natural gas storage facilities.

**Provincially significant wetland** (1) A Class 1, 2, or 3 wetland in that part of the Great Lakes – St. Lawrence Region below the line approximating the south edge of the Canadian Shield, as defined in *An Evaluation System for Wetlands of Ontario South of the Precambrian Shield* (MNR, 1984). (2) A wetland identified as provincially significant by the Ministry of Natural Resources through an evaluation system developed specifically for other areas of Ontario.

**Public service facilities** Buildings and structures for the provision of public services.

**Public services** Programs and services provided or subsidized by a government or other public body. Examples include social assistance, health, and educational programs, and cultural services.

**Quality agricultural area** An area where quality agricultural land predominates.

**Quality agricultural land** Land that includes specialty crop lands and/or Canada Land Inventory Classes 1, 2, and 3 agricultural capability soils. Quality agricultural land may also be identified through an alternative land-evaluation system approved by the Ministry of Agriculture and Food.

**Specialty crop land** Areas where specialty crops such as tender fruits (peaches, grapes, cherries, plums), other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil lands are predominantly grown, usually resulting from: (1) soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both; and/or (2) a combination of farmers skilled in the production of specialty crops, and of capital investment in related facilities and services to produce, store, or process specialty crops.

**Rehabilitate** After extraction, to treat land so that the use or condition of the land is restored to its former use or condition, or is changed to another use or condition that is or will be compatible with adjacent land uses.

**Rural and recreational characteristics** Elements of a municipality's physical, environmental, social, or cultural fabric through which its identity or uniqueness has evolved and is defined. Examples include historic settlement patterns, natural or cultural resources, waterways, and distinctive landscapes or vistas.

**Sewage and water systems:**

**Private communal systems** are sewage works and systems, and water works that provide for the distribution, collection, or treatment of sewage or water not connected to full public systems; are for the common use of more than five units of full-time or seasonal residential occupancy; and are owned, operated, and managed privately.

**Private sewage and water systems**, including on-site systems, are sewage works and systems, and water works, that are owned, operated, and managed privately and used by five or fewer properties or units.

**Public communal systems** are sewage works and systems, and water works that provide for the distribution, collection, or treatment of sewage or water not connected to full public systems; are for the common use of more than five units of full-time or seasonal residential occupancy; and are owned, operated, and managed by the municipality or other public body.

**Public sewage and water systems** are sewage and water works, owned by the municipality or the province and provided to serve the whole municipality or a substantial part of it.

**Significant** In regard to natural features and functions, ecologically important to the natural environment in terms of amount, content, representation, or effect and contributing to the quality and integrity of an identifiable ecological region. In regard to matters other than natural features and functions, important in terms of amount, content, representation, or effect.

**Threatened species** Any indigenous species of fauna or flora that, on the basis of the best available scientific evidence, is indicated to be experiencing a definite non-cyclical decline throughout all or a major portion of its Ontario range, and that is likely to become an endangered species if the factors responsible for the decline continue unabated.

**Transportation system** Public corridors, transit systems, roads, pathways, and other facilities for the movement of people or goods. Modes of transportation in these systems may include automobile, bus, train, truck, aircraft, bicycle, or foot.

**Unorganized areas** Those parts of the province without municipal organization.

**Vulnerable species** Any indigenous species of fauna or flora that is represented in Ontario by small but relatively stable populations, and/or that occurs sporadically, or in a very restricted area of Ontario, or at the fringe of its range, and that should be monitored periodically for evidence of a possible decline.

**Wetland area** A single contiguous wetland, which may be composed of one or more wetland types. Two or more wetland areas, plus their adjacent lands, form a wetland complex.

**Wetland functions** The biological, physical, and socio-economic interactions that occur because wetlands are present. Included are groundwater recharge and discharge, flood damage reduction, shoreline stabilization, sediment trapping, nutrient retention and removal, food-chain support, and fish and wildlife habitat.

**Wetland management practices** The activities undertaken by municipal or provincial public bodies, or by private landowners or individuals, to modify or enhance wetland features or functions to meet specific objectives.

**Wetlands** Lands seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case, the presence of water has caused the formation of hydric soils and has favoured the dominance of hydrophytic, or water-tolerant, plants. The four types of wetlands found in Ontario are bogs, fens, marshes, and swamps. Lands being used for agricultural purposes, that are periodically "soaked" or "wet," are not considered to be wetlands in this definition. Such lands, whether or not they were wetlands at one time, are considered to have been converted to alternate uses.

**Wildlife habitat** Areas of the natural environment upon which wildlife depend for survival as self-sustaining populations in the wild, including land and water needed for cover, protection, or food supply. Wildlife include all wild mammals, birds, reptiles, amphibians, fishes, and invertebrates. Areas included may be deer yards, nesting areas, aquatic habitat, waterfowl staging areas, and habitat of endangered, threatened, and vulnerable species.

**Woodlot** A hardwood, softwood, or mixed wooded area of more than one hectare, covered in trees to a density of (1) at least 1000 trees per hectare of all sizes, or (2) 750 trees per hectare measuring over 5 centimetres in diameter, or (3) 500 trees per hectare measuring over 12 centimetres in diameter, or (4) 250 trees per hectare measuring over 20 centimetres in diameter.



## The Provincial Role

The Commission recommends that:

10. The *Planning Act* be amended to require the Minister of Municipal Affairs and Planning, before issuing a policy statement, to consult on the proposed policy, including providing notice and providing a fair opportunity for public comment.
11. The *Planning Act* be amended to provide for the establishment of a Provincial Planning Advisory Committee (PPAC), consisting of no more than 20 members representing the diverse interests in the planning system, appointed by the Minister of Municipal Affairs and Planning. PPAC will have the following functions:
  - (a) Review proposals for provincial planning policy and plans referred by the Minister or submitted by the public.
  - (b) Recommend to the Minister, for approval, an annual agenda of policy and planning priorities for the committee.
  - (c) Direct the preparation of background studies, directing assigned staff and retaining consultants as needed.
  - (d) Direct public consultation on policy and planning matters, using special committees having diverse interests and expertise in particular policy issues or representing interests in specific parts of the province.
  - (e) Review the results of the public consultation, and provide feedback to the public on the recommendations made and how public input was considered.
  - (f) Make recommendations to the Minister for provincial planning policies and plans, providing supporting rationale.
  - (g) Review effectiveness of existing planning policy and plans, and make appropriate recommendations.
12. To provide coordination among ministries on planning matters, an Interministerial Planning Committee (IPC) of deputy ministers from ministries that have a direct interest in land-use planning in Ontario be established, chaired by the deputy minister of the Ministry of Municipal Affairs and Planning. The committee's mandate would include coordinating policy and planning activities among provincial ministries and working with the Provincial Planning Advisory Committee (PPAC) on provincial policy and planning proposals.
13. The *Planning Act* be amended to provide that provincial plans be adopted as policy statements under the Act.
14. Responsibility for provincial planning policy initiatives, coordination, and response be assigned to the Ministry of Municipal Affairs, which should be renamed the Ministry of Municipal Affairs and Planning.
15. The Minister of Municipal Affairs and Planning be given lead responsibility for planning functions in the province. To exercise this responsibility, the Minister should receive notice of municipal planning matters and be given the following responsibilities in respect of municipal planning functions:
  - (a) Administer the *Planning Act*.
  - (b) Coordinate provincial activities regarding policies and planning for land-use and related matters, including studies, analysis, and monitoring.
  - (c) Play a leadership role in resolving interministerial disputes.
  - (d) Work with the Provincial Planning Advisory Committee.

16. The Minister of Municipal Affairs and Planning:
  - (a) Continue to have the authority to approve plans and plan amendments of regional governments, counties, separated municipalities, cities in the North, planning boards, and planning authorities. This approval power includes the ability to modify plans and plan amendments.
  - (b) Continue to, where no regional or county plan exists, have the authority to approve plans, plan amendments, and plans of subdivision of local municipalities, and the *Planning Act* be amended to give the Minister the authority to charge an administrative fee for this function.
17. The Minister of Municipal Affairs and Planning, as well as other ministers, be permitted to appeal any municipal planning decision within the same timeframe, and subject to the same rules, as other objectors.
18. The *Planning Act* be amended to give the Ministry of Municipal Affairs and Planning the following authority:
  - (a) The Minister of Municipal Affairs and Planning be authorized to impose an interim control order on any area or site where there is a provincial interest that will not otherwise be protected, effective for up to one year and renewable for no more than one year pending development of a provincial policy to address the provincial interest at issue. Notice must be given to affected parties within 30 days, and an appeal to the Ontario Municipal Board may be filed within 45 days of notification.
  - (b) The Minister of Municipal Affairs and Planning be authorized to place a zoning order on any site or area without local zoning controls where there is a provincial interest that will not otherwise be protected. The right of appealing such orders to the Ontario Municipal Board should be retained.
  - (c) The Minister's powers to remove delegated authority from municipalities continue, and the Minister be given additional authority to withdraw assigned consent powers.
  - (d) The authority of the Minister to issue declarations of provincial interest and the associated authority of Cabinet to confirm, vary, or rescind decisions of the Ontario Municipal Board — as set out in sections 17, 22, and 34 of the *Planning Act* — be repealed.
19. To provide for improved administration of provincial review and approval responsibilities:
  - (a) Regional planning review committees consisting of interested ministries be established, chaired by the staff member of the Ministry of Municipal Affairs and Planning.
  - (b) Provincial plan approval and development review be delegated to the Ministry of Municipal Affairs and Planning staff on that committee.
  - (c) A planner nominated by the municipalities served by the committee be assigned to it to help with administrative review, with costs paid by the Ministry of Municipal Affairs and Planning.
  - (d) Procedures be established, following consultation with municipalities served, on screening and on approval and review periods.
20. Where responsibilities concerning related matters (such as storm-water management and fish habitat protection) are distributed among more than one ministry, agency, or level of municipal government, one ministry be assigned lead responsibility and be required to develop a coordinated strategy.



21. To provide for the improved administration of provincial permits, licences, and other technical approvals:
  - (a) Ministries clarify the standards, performance criteria, and guidelines to be met, including the preferred methodology to be employed.
  - (b) The Ministry of Municipal Affairs and Planning regularly publish an up-to-date booklet on required provincial permits, licences, and other technical approvals.
  - (c) Ministries delegate to qualified municipalities the approval responsibilities for those permits, licences, and other technical approvals for which there are clear standards or criteria. The delegation agreements should include provision for certification by qualified professionals, in appropriate cases, and for peer review of technical studies.
22. Regional planning review committees set targets for approving many development review matters within 60 days of receipt, and most others within 90 days, and more complex matters, such as municipal plans, within six months. Where the province has not made a decision within six months, an appeal may be made to the Ontario Municipal Board.
23. In fulfilling the provincial responsibility to provide information to support planning:
  - (a) Ministries develop and maintain systems, technology, and frameworks for data and information, and help coordinate information with municipalities;
  - (b) Ministries promote research on proposed technology and other solutions related to planning and land-use matters for Ontario and assess and, where appropriate, approve them in a timely fashion.
24. The Ministry of Municipal Affairs and Planning, in conjunction with other ministries, institute a regular monitoring program on the compliance with and effectiveness of provincial planning policies, and that it be required to report at least every five years, providing a basis for the review of provincial planning policies.
25. The Ministry of Municipal Affairs and Planning continue to sponsor or support training programs for clerks and planning administrators, to sponsor training seminars in planning for new councillors, and to encourage field offices in the Ministry to hold semi-annual conferences on planning and other municipal issues; and that appropriate funding be made available for these activities.
26. The province provide grant programs to assist counties without county plans in developing them, in the amount of at least \$1 million annually; to assist planning boards in Northern Ontario in developing plans and providing planning services in unorganized areas, in the amount of at least \$600,000 annually; and to assist with watershed studies, in the amount of at least \$1.5 million annually.
27. The Interministerial Planning Committee undertake a review to ensure that provincial grant and subsidy programs support provincial policy statements, and report to the Minister of Municipal Affairs and Planning within one year of the adoption of such statements.

## Planning and Aboriginal Communities

The Commission recommends that:

28. A protocol or agreement be developed at the provincial level so that notice of development proposals or changes in use or tenure of provincially owned lands would be given to First Nations, non-status Aboriginal, and Métis settlements and areas.
29. The *Planning Act* be amended to authorize municipalities and planning boards to enter into agreements with First Nations and Aboriginal organizations regarding joint-planning, development, details of notification, servicing, and other matters within municipal jurisdiction. This authorization should explicitly note that outstanding land claims are not prejudiced because of such agreements.
30. Requirements in the *Planning Act* to notify an owner or a municipality, or a provincial or federal agency that has a relevant interest, be amended to specifically include First Nations, non-status Aboriginal, and Métis settlements and areas.
31. The province notify municipalities of land claims that affect their jurisdictions.

## Municipal Plan-making

The Commission recommends that:

32. The *Planning Act* be amended to require that regions, counties, separated municipalities, cities in the North, and planning boards prepare and adopt a municipal plan containing goals and policies which would:
  - (a) apply provincial policies to the regional context in a manner that resolves any conflicts among those policies;
  - (b) plan and coordinate regional infrastructure, including transportation, water, sewage treatment, waste, open space, and educational, health, and social facilities;
  - (c) establish urban and rural settlement patterns, including location and overall staging;
  - (d) address the general nature and distribution of population, employment, and housing, including the supply and affordability of housing across the region;
  - (e) address regional economic and social issues, other regional responsibilities, and inter-regional and intermunicipal issues;
  - (f) protect natural features and systems;
  - (g) protect the quality and quantity of ground and surface water;
  - (h) protect quality agricultural areas;
  - (i) protect renewable and non-renewable natural resources;
  - (j) address energy and water use and conservation opportunities;
  - (k) address issues of special regional interest;
  - (l) establish a process to monitor change and the effectiveness of the plan.
33. The *Planning Act* be amended to specify that upper tiers may not delegate responsibility for preparing plans on broad issues to lower tiers.



34. Lower-tier municipalities continue to be permitted to develop local plans for the municipality or for one or more neighbourhoods, districts, or areas in the municipality.
35. The *Planning Act* be amended to enable lower-tier plans to address, within the context of the broad plan, the following matters:
- (a) the detailed pattern of land use, density, and mix of uses;
  - (b) distribution of open space and parks;
  - (c) recreation;
  - (d) natural features and systems;
  - (e) character of the community, including heritage, streetscape, and physical design;
  - (f) the supply and affordability of housing in the municipality;
  - (g) zoning, site plans, and other tools to regulate development;
  - (h) energy and water use and conservation opportunities;
  - (i) contaminated and hazardous sites;
  - (j) issues of special local interest; and
  - (k) other local responsibilities.
36. The *Planning Act* be amended to require that lower-tier plans conform to upper-tier plans and be consistent with provincial policy.
37. The *Planning Act* be amended to require that where there is no lower-tier plan, the upper-tier, planning board, or planning authority plan address the matters listed in Recommendation 35 as well as Recommendation 32. Separated municipalities and cities in the North would be required to address the requirements in both recommendations.
38. The *Municipal Act* be amended to permit counties, with the agreement of local municipalities, to be responsible for water and sewage.
39. The *Planning Act* be amended to permit local municipalities, with the consent of the affected counties and of the Minister of Municipal Affairs and Planning, to establish a planning authority to exercise planning powers similar to a county, provided:
- (a) it covers a population of not less than 20,000, or includes no fewer than six municipalities;
  - (b) no municipality is split between planning jurisdictions;
  - (c) the area covered by the planning authority includes the whole of an area served by public water and sewage services, including a separated municipality if one is part of the serviced area;
  - (d) the affected counties do not have, and are not preparing, a county plan.
- Membership on the authority will consist of councillors appointed by local councils on a basis of representation by population.
40. To provide for more local decision-making on planning matters in the North:
- (a) In Northern Ontario, except for cities and the Regional Municipality of Sudbury, planning areas be established to include municipalities and unorganized areas that share common interests and are within the same sphere of influence. Planning-area boundaries should generally be based on natural boundaries such as watersheds, and should reflect relevant administrative boundaries such as school boards and economic development areas.
  - (b) The *Planning Act* be amended to provide that members of planning boards are appointed by municipal councils from among their members, and elected from unorganized areas. Representation should generally be proportional to electoral population. Funding shares from municipalities and unorganized areas should be pro-rated by assessment or, with the approval of the province, by an annual fee or levy.

- (c) The *Planning Act* be amended to require that planning boards are required to prepare plans and that the planning duties and responsibilities of planning boards are similar to those of upper tiers.
  - (d) The *Planning Act* be amended to provide that the approved planning board plan applies to all municipalities and unorganized areas within the planning area, and that for unorganized areas, planning boards be given responsibility for zoning, site-plan control, and building code administration.
  - (e) The Minister of Municipal Affairs and Planning establish committees from Northern Ontario to make recommendations on the location and boundaries of planning areas, and to report within six months.
  - (f) Where Crown land is within or adjacent to a municipality or a planning board's area, the Ministry of Natural Resources be required to inform the board of proposals for that land and engage in a public planning process.
  - (g) Local services boards and roads boards continue to administer services and roads in unorganized areas.
41. Once the province has adopted a comprehensive set of policy statements, the Minister of Municipal Affairs and Planning delegate to regions and counties with plans the authority to approve lower-tier plans and plan amendments. The delegated approval authority would include the authority to modify the plan or plan amendment.
42. Upper-tier municipalities currently without plans be required to prepare and adopt plans, and that:
- (a) If plans have not been adopted by the councils of the Regions of York and Peel by the end of 1994, the province impose sanctions such as limits on capital borrowing, ineligibility for certain conditional grants, and removal of authority for upper-tier lot levies and delegated approvals.
  - (b) If plans are not adopted by counties and planning board areas within five years of the adoption of the new provincial policies, the province consider imposing sanctions as described in Recommendation 42(a).
  - (c) Until county and planning board plans are approved, the province maintain approval authority for municipal plans, plan amendments, plans of subdivision, and plans of condominium, and that no further delegation occur.
43. The *Planning Act* be amended to permit municipalities and planning boards and authorities to prepare and adopt strategic plans that address, in a pro-active way, economic, environmental, social, and other issues important to a community. A strategic plan should not be legally enforceable.
44. The *Planning Act* be amended to define "municipal plan" as "an approved document containing goals, objectives, and policies established primarily to manage and direct physical change and the effects on the social, economic, and natural environments of the municipality or a part thereof, or an area that is without municipal organization."
45. The *Planning Act* be amended to require that municipal plans include maps or descriptions of matters noted in provincial policies.
46. The *Planning Act* be amended to require that, prior to the preparation of any plan or a general, area, neighbourhood, or other major plan amendment, a report be prepared for public review and considered by council, containing:
- (a) a general description of the purpose of the proposed plan review;
  - (b) the general scope of the proposed plan review, including studies to be undertaken;
  - (c) proposals for public consultation and participation by interested agencies; and
  - (d) the proposed timetable for plan preparation and consideration.



47. The *Planning Act* be amended to require that the preparation of any plan or a general, area, neighbourhood, or other major plan amendment include the following steps:
  - (a) Identify problems, priorities, needs, opportunities, and objectives.
  - (b) Identify the criteria by which to evaluate options and alternatives.
  - (c) Identify reasonable options (including the “do nothing” option) consistent with provincial policy, and describe their effects on the social, economic, and natural environment and their effectiveness in meeting objectives.
  - (d) Prepare alternative-plan concepts on selected options and compare and assess them using the criteria in Step (b) to determine which concepts best meet objectives in Step (a).
  - (e) Select and refine a preferred plan.
  - (f) Establish monitoring systems and contingency approaches.
48. Legislation be amended to provide that plans and plan amendments which are approved under the comprehensive planning process described in recommendations 46 and 47 not be subject to the provisions of the *Environmental Assessment Act*.
49. The *Planning Act* be amended to provide that:
  - (a) Municipalities may reject, without substantial study, any application for a major plan amendment, that is, an amendment which challenges basic assumptions in the municipal plan. Alternatively, municipalities may defer consideration of any application for a major plan amendment until a general plan review.
  - (b) Where a municipality has not made a final decision on a plan amendment application within six months of filing a complete application, an applicant may appeal to the Ontario Municipal Board.
  - (c) Where a municipality is not taking effective action to respond to an application, with the exception of an application for major plan amendment, an applicant may appeal to the Ontario Municipal Board 90 days after filing a complete application.
50. To incorporate watershed considerations into the planning process, the *Planning Act* be amended to require that:
  - (a) In preparing plans with regard to development and change affecting water, municipalities prepare and adopt policies based on watershed considerations; and
  - (b) Watershed or sub-watershed studies be undertaken in cases where there are changes in or concerns about levels of water quality or quantity and/or where there are pressures for development and change.
  - (c) With the advice of conservation authorities, the upper tier identify which studies need to be undertaken first. Where there is no upper-tier or it is not planning, these decisions will be made by the affected lower tiers.
  - (d) Conservation authorities carry out such studies and provide inventory, analysis, and recommendations to municipalities. Where no conservation authority is in place, watershed studies will be undertaken by municipalities, with the help of the Ministry of Natural Resources.
  - (e) Watershed studies focus on surface-water and groundwater quality and quantity. They should generally address the following matters:

- (i) quality and quantity of surface water and groundwater for developed areas of the municipality and other areas likely to undergo change;
  - (ii) flooding and natural hazards;
  - (iii) shorelines, marinas, and lakefill;
  - (iv) tree cover;
  - (v) erosion control;
  - (vi) drainage plans and storm water;
  - (vii) wetlands, recharge areas, and natural features;
  - (viii) remediation of water systems and natural features;
  - (ix) aquatic resources, including fisheries.
51. The Ministry of Natural Resources, the Association of Conservation Authorities of Ontario, and the Association of Municipalities of Ontario review the relationships between conservation authorities and county councils.
52. To establish requirements for environmental impact studies, the *Planning Act* be amended:
- (a) To provide that applicants for development involving subdivisions and consents, development permits, and rezoning be required to prepare an environmental impact study (EIS) where required by provincial policies.
  - (b) To authorize municipalities to establish additional circumstances in which an EIS may be required.
  - (c) To provide that the content of an EIS include, without being limited to:
    - (i) a description of the existing natural environment that will be affected or might reasonably be expected to be affected, directly or indirectly;
    - (ii) the environmental effects that might reasonably be expected to occur;
    - (iii) alternative methods and measures for mitigation of potential environmental effects of the proposed development; and
    - (iv) a monitoring plan to measure the potential effects on the natural environment.
  - (d) To provide that a municipal council may not make final decisions on development applications until any required EIS is available.
53. The *Planning Act* be amended to provide that where municipalities are unable to agree on joint-planning, any municipality may apply to the Ontario Municipal Board for mediation. If the mediation fails, the Board should be authorized to order a joint-planning structure and a cost-sharing arrangement.
54. The Ministry of Natural Resources consider establishing pilot projects that bring together municipalities on the eastern shore of Georgian Bay and along the Lake Simcoe shoreline to coordinate analysis and response to common problems. Such projects could include watershed studies, water-use planning, and recreational boating.
55. The *Planning Act* be amended to require that municipalities prepare monitoring reports at least every five years, identifying and selecting key indicators. The monitoring reports will be one basis for the consideration by the municipality of the need to review its municipal plan.



## Lot Creation and Development Control

The Commission recommends that:

56. The two existing administrative systems for lot creation — plans of subdivision and consents — be maintained. In addition, the current provisions of the *Planning Act* dealing with part-lot control should continue in force.
57. The *Planning Act* provisions regarding plans of subdivision and consents be amended:
  - (a) To require both plans of subdivision and consents to be consistent with provincial policy and to conform to municipal plans.
  - (b) To establish the same legislative requirements for both plans of subdivision and consents with respect to information to be provided in applications, and matters to be dealt with in considering applications.
  - (c) To provide that draft subdivision plan approval may be terminated by the municipality if the conditions of draft approval are not met within a time established as a condition of draft approval.
  - (d) To provide that if a municipality has not decided on a completed application for a plan of subdivision six months after receiving it, or for a consent three months after receiving it, the applicant may appeal the matter to the Ontario Municipal Board. Where a municipality is not taking effective action on an application for a plan of subdivision, an applicant may appeal to the Ontario Municipal Board 90 days after filing a complete application.
58. The current requirement for boundary surveys to be submitted with applications for plans of subdivision, and the current exemption from this requirement for consent applications, be maintained.
59. The responsibility for lot creation generally reside with the body responsible for the broad plan and, to this end, the *Planning Act* be amended:
  - (a) To enable the Minister of Municipal Affairs and Planning, by order, after adoption of a comprehensive set of planning policies, to delegate responsibility for subdivision approval to upper-tier municipalities, separated municipalities, cities in the North, planning boards, and planning authorities, provided they have a municipal plan and are advised by a qualified planner (that is, a planner who can appear as an expert planning witness before the Ontario Municipal Board); and to provide that this authority may not be delegated to lower tiers.
  - (b) To assign the authority to grant consents to planning boards and authorities as well as to upper-tier municipalities, separated municipalities, and cities in the North; and to enable the Minister to withdraw this assigned consent-granting authority where there is evidence that the authority is not being properly carried out.
  - (c) To give the Minister of Municipal Affairs and Planning the authority to charge municipalities an administrative fee where the Minister exercises approval authority for subdivisions and consents.
  - (d) To provide that upper-tier municipalities may delegate consent-granting authority to lower-tier municipalities, on the approval of the Minister, where:
    - (i) upper- and lower-tier plans have been adopted under the proposed comprehensive set of provincial policy statements and the lower-tier plan is in conformity with the upper-tier plan; and
    - (ii) the lower tier is advised by a qualified planner (that is, a planner who can appear as an expert planning witness before the Ontario Municipal Board); and
    - (iii) any conditions set by the upper tier are met.

The authority of the Minister to revoke such delegation and to return consent-granting authority to the upper tier should be maintained.

60. Where consent-granting authority has already been delegated to lower-tier municipalities, such delegation continue, provided the upper tier is satisfied its responsibilities are being exercised in a responsible way. The authority for the upper tier to withdraw delegated responsibility should continue.
61. The *Planning Act* be amended to provide that if a municipality has not decided on a rezoning application within 90 days of receiving a completed application, the applicant may appeal the matter to the Ontario Municipal Board.
62. To provide for more local regulation of waterways in the province:
  - (a) The province begin negotiations with the federal government to delegate the administration of the regulation of recreational boating to the province, similar to the current delegation of the administration of some sections of the federal *Fisheries Act*.
  - (b) The ministry responsible for recreational boating consult with the Association of Municipalities of Ontario, affected municipalities, cottager associations, boating associations, and others, to discuss administrative arrangements regarding requests for speed limits, signage, and general implementation, including effective policing.
  - (c) The province begin negotiations with the federal government to amend appropriate legislation to permit municipalities to plan for and place appropriate water-use designations on inland water bodies.
63. Municipalities be encouraged to prepare, with full public consultation, design guidelines for defined districts, and include them in a municipal, area, or neighbourhood plan. Design guidelines would be implemented through zoning and site-plan powers already available to municipalities.
64. The site-plan control provisions of the *Planning Act* be amended:
  - (a) To authorize municipalities and planning boards, in cases where the council or board decides to permit public consultation in the site-plan process, to develop procedures for how and when public input into site-plan review occurs.
  - (b) To widen the authority for site-plan agreements to include:
    - (i) on-site requirements to deal with off-site impacts;
    - (ii) any requirement regarding phasing, infrastructure, or other matter authorized by the municipal plan and provincial legislation;
    - (iii) conditions necessary for environmental protection and restoration, including storm-water management, site alterations, monitoring, and noise;
    - (iv) financial arrangements, including letters of credit.
  - (c) To authorize regions and counties to impose conditions for public transit purposes.
65. Current provisions of site-plan control not be expanded to include colour, texture, type of materials, window detail, construction details, architectural detail, and interior design.



66. The *Planning Act* be amended to permit a municipality to adopt a development permit process for any district in a municipality, and to delegate permit approvals to staff, provided the municipality:
- (a) has adopted in the municipal plan development permit districts defining densities, uses, design guidelines, and other requirements — such as environmental impact study requirements — for the affected part of the municipality; and
  - (b) has appointed an advisory committee consisting of members representing a broad range of interests, such as developers, community leaders, and individuals with an interest in design, to advise staff on development permit applications; and
  - (c) has adopted a policy outlining conditions under which development permit applications will be considered by council rather than by staff.
67. The *Planning Act* be amended to provide that appeals of development permit decisions be made to the Ontario Municipal Board. If a municipality has not decided on a development permit application within 90 days of receiving a completed application, the applicant may appeal the matter to the Ontario Municipal Board.
68. In districts where the development permit process is in place, the traditional rezoning/site-plan approval process should not apply.
69. The *Planning Act* be amended:
- (a) To authorize municipalities to establish in the municipal plan sunset provisions on sewage and water allocations; and that the legislation provide, as a transitional matter, that allocations made before the legislation is passed may be withdrawn no sooner than 12 months after the municipality has adopted policies pursuant to the legislation.
  - (b) To provide that any owner losing a sewage or water allocation has the right to appeal the withdrawal of that allocation to the Ontario Municipal Board.
  - (c) To authorize municipalities to reserve sewer and water capacity for a reasonable amount of development that might proceed without plan of subdivision, such as minor infill and second units.
70. The *Planning Act* be amended to clarify that:
- (a) Municipalities be authorized to permit bonuses in defined districts in return for stated public benefits, provided the municipal plan establishes the maximum bonus that can be achieved and the public benefits for which a bonus may be given.
  - (b) Municipalities be authorized to permit any transfer of density if the municipal plan states the policies outlining the purposes and criteria of such transfers, and establishes geographical limits for development districts within which transfers may occur.
71. To provide municipalities with general authority to regulate site alterations, the *Planning Act* and other applicable legislation be amended:
- (a) To permit municipalities to regulate tree-cutting, vegetation removal, changes in elevation, placement and removal of fill, and removal of peat. The controls should not apply to alterations authorized under the *Drainage Act* or to farm tile drainage or other normal farming practices.

- (b) To permit municipalities to designate districts and apply different levels of site-alteration control to different districts, provided policies for each are spelled out in the municipal plan or appropriate by-law.
  - (c) To permit municipalities, in order to control tree-cutting and other site changes in anticipation of new rules, to set interim controls in a district without prior public notice, provided notice immediately follows the decision and opportunities for public debate and reconsideration are then made available.
  - (d) To permit municipalities to enter the property for the purpose of inspections to ensure compliance with municipal by-laws.
  - (e) To provide adequate penalties and remedies for breach of site-alteration by-laws, including injunctive relief, and including the ability to restore the site and recover costs for restoration.
72. Legislation be amended to clearly authorize committees of adjustment to consider minor variances of use.
73. To establish an improved process for reviewing municipal infrastructure projects, legislation be amended to provide that:
- (a) The environmental assessment and review of municipal infrastructure projects currently undertaken through the Class Environmental Assessment process of the *Environmental Assessment Act* occur under the *Planning Act*, through a process called Class Environmental Review.
  - (b) The Minister of the Environment and Energy be authorized to approve, under the *Environmental Assessment Act*, a parent Class Environmental Review (Class ER) document for any municipal infrastructure defined as "recurring, similar in nature, limited in scale, having only a predictable range of environmental effects, and being responsive to standard mitigation measures," and that this definition of class be included in legislation.
  - (c) The parent Class ER document set out both the matters to be considered in developing alternative design and mitigation measures, and the process for public involvement including public notice and comment.
  - (d) Municipal infrastructure projects meeting the characteristics set out above and private infrastructure projects defined in the parent Class ER document be approved under the Class ER process prior to final decisions to proceed with construction.
  - (e) Municipal infrastructure projects not meeting the definition of class continue to be subject to the *Environmental Assessment Act*.
  - (f) Appeals of the Class ER process, including whether the project falls within the definition of class or concerning the adequacies of studies, are to the Ontario Municipal Board. The Board's jurisdiction in these cases should not extend to questions of need and alternatives dealt with at the municipal plan stage.
  - (g) Appeals to the Ontario Municipal Board on issues of need and alternatives to municipal infrastructure be permitted only at the municipal plan stage, where such matters are reviewed. Infrastructure in an approved municipal plan need not be subject to a new need and alternatives study when the plan is reviewed.
  - (h) Provincial and provincial agency undertakings continue to be dealt with under the *Environmental Assessment Act*. The opportunity to designate large-scale private undertakings under the Act would continue.
  - (i) Where change is proposed which involves infrastructure subject to an environmental study report and where an environmental impact study is required, the two be coordinated to ensure no duplication, and a single study meeting both requirements be undertaken.



## Public Involvement

The Commission recommends that:

74. To encourage more public involvement in the planning process through the provision of information, the *Planning Act* be amended:
  - (a) To require that all information, documentation, and staff reports in relation to plans and applications be available to the public. Applicants must agree in submitting applications that drawings, plans, and documents filed in support of those applications can be copied for purposes of public information and debate.
  - (b) To permit municipalities to charge only nominal fees for planning reports and documents.
75. The *Municipal Act* be amended so that council and committee meetings, meetings of committees of adjustment, and meetings of land division committees be open to the public, and decision-making regarding plans and planning applications be carried out publicly.
76. To encourage public involvement in the planning process through better notification, the *Planning Act*, be amended so that:
  - (a) Those affected by proposed changes be notified, in plain and simple language, in advance of decisions.
  - (b) Municipalities be required to maintain a registry of those requesting notification of planning matters in the municipality or in parts of the municipality. A nominal fee may be charged for this service. The municipality may determine districts and kinds of applications for the registry, for which notice may be given.
  - (c) Where notification to owners is required, notification also be to non-owner occupants listed on the assessment roll.
  - (d) Where notification must be given to the general public, it be through a newspaper advertisement, direct mail to owners and non-owner occupants on the assessment roll, or direct delivery to properties affected and direct mail to non-resident owners.
  - (e) Where notification is required for municipal plans, major plan amendments, and comprehensive zoning by-laws, notification be to the general public, those on the registry, applicable boards of education, adjacent municipalities, upper- or lower-tier municipalities as applicable, ministries and provincial agencies, and Aboriginal communities deemed to have an interest in the matter.
  - (f) Where notification is required for site-specific rezonings, plan amendments, development permits, and lot creation, applicants be required to post a sign on the site, to specifications set by the municipality, advising of the nature of the application. Notification must also be given to owners and non-owner occupants within 120 metres of the site; in areas where a 120-metre radius reaches only the adjacent properties, notice should also be given to owners and non-owner occupants of properties abutting adjacent properties. Notice should also be given to those on the registry wishing notice, upper- or lower-tier municipalities as applicable, applicable boards of education, ministries, and provincial agencies, and Aboriginal communities deemed to have an interest in the matter, unless the municipality is notified that notice is not required.

77. To encourage public involvement in the planning process through public meetings, the *Planning Act* be amended to require that:
- (a) The following process be followed for plans, general, area, neighbourhood, or other major plan amendments, and comprehensive zoning by-laws:
    - (i) Publication of intent to consider policy change.
    - (ii) Opportunity for public response, including at least one public meeting.
    - (iii) Preparation and circulation of draft proposal (including alternatives).
    - (iv) Opportunity for response, including at least one public meeting.
    - (v) Final decision-making.
    - (vi) Notification of decision.
  - (b) For plans, general, area, neighbourhood, or other major plan amendments, and comprehensive zoning by-laws, two public meetings take place. The first, to be held at the beginning of the process, should consider the need for the review of the plan or by-law and the process to be used for the review, including procedures for public involvement. The second should be at the end of the process, when final reports to council are being considered. Reasonable opportunities for public comment will be permitted at each meeting.
  - (c) For rezonings, lot creation, and minor plan amendments, at least one public meeting be required when final reports to council are being considered. Reasonable opportunities for public comment will be permitted at the public meeting.
  - (d) Where reasonable, two or more applications on the same property be dealt with concurrently, and notification and meeting requirements be combined.
78. The *Planning Act* be amended to permit municipalities to establish committees to advise on such matters as the natural environment, agriculture, housing, and planning.
79. The *Planning Act* be amended to provide for the following notification and appeal time periods:
- (a) Notification periods:
    - (i) Public meetings to consider plans, plan amendments, comprehensive zoning by-laws  
— 30 calendar days
    - (ii) Public meetings to consider rezonings, plans of subdivision  
— 21 calendar days
    - (iii) Public meetings to consider consents  
— 21 calendar days
    - (iv) Public meetings to consider minor variances  
— 14 calendar days
    - (v) Public comment on development permits  
— 21 calendar days
    - (vi) Public comment on consents and plans of subdivision where delegated to municipal staff  
— 21 calendar days
    - (vii) Public comment where lot creation rests with the Minister of Municipal Affairs and Planning  
— 21 calendar days
  - (b) Appeal periods, from notice of decision:
    - (i) Plans, plan amendments, comprehensive zoning by-laws  
— 45 calendar days
    - (ii) Rezonings, plans of subdivision, consents, development permits, site-plan control, withdrawal of sewer and water allocations  
— 21 calendar days
    - (iii) Class Environmental Review  
— 30 calendar days
    - (iv) Minor variances  
— 14 calendar days
    - (v) Minister's interim control orders  
— 45 calendar days



## Conflicts, Disputes, and Appeals

The Commission recommends that:

80. Mediation and programs which help different interests listen to each other be part of the planning process, and that municipalities consider techniques to encourage dispute resolution prior to council decisions.

81. The *Planning Act* be amended to require that, where appeals of decisions on minor variances are filed, the council in the municipality in which the application has been made consider the application and make a decision, and that the role of the Ontario Municipal Board in such appeals be terminated.

82. The Ontario Municipal Board, as a standard practice, convene a procedural meeting of the parties within 30 days after an appeal has been received by the Board, chaired by a Board member. This meeting will determine how best to process the dispute, including arrangements to disclose information, narrow issues, focus on serious matters under dispute, and seek a settlement. In minor cases where a hearing will occur in an expeditious fashion, the Board may dispense with the procedural meeting.

83. The *Planning Act* be amended to provide that where the Ontario Municipal Board member concludes at a procedural meeting that the appellant on any planning matter does not have an objection which merits a full hearing, the member may order a time and place for the appellant to make representations as to the merit of the appeal.

84. The *Planning Act* be amended:

- (a) to provide unincorporated associations status before the Ontario Municipal Board;
- (b) to make explicit that a person or municipality who contravenes a Board order is guilty of an offence;

(c) to permit the Board to refer matters back to a municipality for further study or consideration;

(d) to allow for the approval of the unappealed portions of plans and comprehensive zoning by-laws when only site-specific appeals have been filed;

(e) to replace the current referral system with a right to appeal to the Board; and

(f) to provide that, on a request of a party prior to a hearing, the Board shall arrange to make an audio-tape of the proceedings of the hearing.

85. The *Planning Act* be amended to permit the Ontario Municipal Board to award intervenor funding on any appeal of a plan, plan amendment, or plan of subdivision which involves a rezoning, which, in the opinion of the Board, affects a significant segment of the public and concerns the public interest and not just private interests. The decision of the Board should be based on the following criteria:

(a) the intervenor represents a clearly ascertainable public interest, consistent with provincial policy, that should be represented at the hearing;

(b) separate and adequate representation of the interest would assist the Board and contribute substantially to the hearing;

(c) the intervenor does not have sufficient financial resources to enable it to represent the interest adequately;

(d) the intervenor has made reasonable efforts to raise funding from other sources;

(e) the intervenor has demonstrated concern for this issue at the municipal level;

(f) the intervenor has attempted to join together with other objectors;

(g) the intervenor has a clear proposal for the use of any funds that might be awarded;

- (h) the intervenor has appropriate financial controls to ensure that the funds, if awarded, are spent for the purposes of the award; and
- (i) such representation would assist the Board and contribute substantially to the hearing.

Applications for intervenor funding may not be made until the Board has determined that a full hearing or mediation will take place. The Board may reject an application for intervenor funding without a hearing. In other types of applications where the Board will be assisted by the representation of public interests, the Board should award costs during or after the hearing.

- 86. Until legislation has been passed permitting the Board to award intervenor funding, the Ministry of Municipal Affairs and Planning provide \$500,000 annually to the Board to be used for intervenor funding.
- 87. The *Planning Act* be amended to permit the Board to award interim costs during a hearing, in addition to its existing power to award costs at the end of a hearing.
- 88. The Ontario Municipal Board institute a pre-hearing procedural meeting process to deal with the current backlog of cases before the Board.
- 89. To ensure the Ontario Municipal Board has the necessary resources to carry out its responsibilities:
  - (a) In appointing new Board members, the government take into account new areas of concern, such as environmental issues and dispute resolution.
  - (b) The government appoint part-time members to the Board.
  - (c) The Board maintain a list of mediators for parties to consider using as they attempt to resolve their differences.
  - (d) Board members be offered appropriate training in dispute resolution and in environmental and other matters with which the Board deals.

## Sewage Treatment and Septics

The Commission recommends that:

- 90. The Ministry of the Environment and Energy continue to be responsible for inspections and the issuance of permits for private and communal systems, for setting standards for installation and operation, and for licensing septic installers and septage haulers. The Ministry of the Environment and Energy should institute training programs for installers, septage haulers, and inspectors.
- 91. The Ministry of the Environment and Energy be responsible for regular inspection of private and communal septic systems every five years. Where septic users have private wells, these should be inspected at the same time. The Ministry of the Environment and Energy should consider entering into agreements assigning responsibility for inspections and issuance of permits to regional and county governments, their health units, or conservation authorities, or, where no upper tier exists, to municipalities, provided all have the appropriate expertise. The first priority for inspection should be septic systems installed before 1975.
- 92. The Ministry of the Environment and Energy and its agents be permitted to charge septic and private well owners a fee to cover the costs of inspections on a user-pay basis, to be collected with property taxes.
- 93. The Ministry of the Environment and Energy institute a system whereby septic tanks may not be sold without the purchaser obtaining a certificate of approval and showing it to the seller of the septic tank.
- 94. Regions and counties be required to provide facilities for septage disposal. In Northern Ontario, this should be the responsibility of the Ministry of the Environment and Energy.

95. To improve the information available on different kinds of sewage systems, the Ministry of the Environment and Energy:

- (a) Devise and undertake a program to educate owners on the proper use and care of septic systems.
- (b) Establish an ongoing research and development program into sewage-treatment questions in Ontario.
- (c) In consultation with municipalities and the Association of Municipalities of Ontario, develop information concerning the level of financial guarantees needed to address issues of capital replacement, maintenance, and liability for communal systems.

## Implementing This Report

The Commission recommends that:

96. The government take immediate steps to consider and act on the following recommendations for administrative changes contained in this Report:

- (a) The Ministry of Municipal Affairs be restructured and renamed the Ministry of Municipal Affairs and Planning.
- (b) The Minister of Municipal Affairs and Planning, after consultation with ministries and other interests, establish regional planning review committees and delegate the planning approval powers of the Minister to the appropriate ministry staff on these committees.
- (c) In addition to delegations already made, once a comprehensive set of planning policies has been adopted by the government, the Minister of Municipal Affairs and Planning delegate to those regions, counties, separated municipalities, and cities in the North that have an official plan and are advised by a qualified planner, approval authority for plans and plan amendments of lower tiers (where relevant), and plans of subdivision.
- (d) Pending any legislative amendments, the Minister of Municipal Affairs and Planning agree that, as a matter of practice, where no ministerial decision is forthcoming within six months of submission of a completed application for approval, the matter will be referred to the Ontario Municipal Board at the request of the applicant or the municipality. Upper-tier governments should be requested to agree to a similar procedure for lower-tier approvals for which they are responsible.
- (e) The government establish the grant programs recommended in this Report for new county plans, planning boards, and watershed studies.



- (f) Ministries clarify and publish the standards, criteria, and/or guidelines used to judge applications for permits, licences, and other technical approvals and transfer approval authority, by agreement, to municipalities capable of assuming such powers. Such agreements should include provision for peer review of more complicated matters.
  - (g) The Ontario Municipal Board be requested to establish the recommended procedural meeting mechanisms to deal with both new cases and backlogged cases, to establish procedures for mediation, and to provide training on mediation techniques and other skills needed by members to chair procedural meetings.
  - (h) The government appoint part-time members to the Ontario Municipal Board.
  - (i) Pending legislation, the Ministry of Municipal Affairs and Planning provide an interim fund of \$500,000 a year for intervenor funding at the Ontario Municipal Board.
  - (j) After consultation with affected interest groups, the Minister of Municipal Affairs and Planning appoint committees — at least one for Northeastern Ontario and one for Northwestern Ontario — to make recommendations on planning board areas and boundaries. These committees should be requested to report within six months of being appointed. Once the committees have reported, the recommendations for new planning boards and expansion and/or change to existing boards should be implemented. After this occurs, and once a comprehensive set of planning policies has been adopted by the government, the Minister should delegate to planning boards with an approved plan and which are advised by a qualified planner, approval authority for plans and plan amendments of municipalities within the planning board, and for plans of subdivision and consents.
  - (k) The government develop a protocol or agreement to give affected and other interested Aboriginal communities notice of development proposals for, or changes in use or tenure of, provincially owned land.
  - (l) The Interministerial Planning Committee be formally constituted and its mandate approved, with a first priority to assist the Minister of Municipal Affairs and Planning in adopting a comprehensive set of provincial policies.
97. The government consider the policy recommendations contained in this Report and endorse for consultation purposes a comprehensive set of provincial policy statements, which should be widely circulated for comment for a period of three months. The government should set a goal of formally adopting a comprehensive set of provincial policy statements under section 3 of the *Planning Act* before the end of 1993.
98. The government consider the recommendations for legislative amendments contained in this Report and prepare a draft bill, which should be widely circulated for comment for a period of three months. Subsequently, after a re-drafted bill has been introduced in the Legislature, the public should be given the further opportunity to comment at the committee stage. The government should set a goal of enacting the *Planning Act* amendments in 1994.



# New Planning for Ontario

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